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By Email / [Margarethe.Kearney@lwcom](mailto:Margarethe.Kearney@lwcom)

December 12, 2012

Margrethe Kearney  
Latham & Watkins LLP  
233 S. Wacker Drive, Suite 5800  
Chicago, IL 60606

Re: *NSP / Ashland Sampling Protocols*

Dear Margrethe:

Thank you for your December 11, 2012 letter. Please note that the access agreement between the City and NSP gives the City the right to take samples. We do not concede that any further agreement is necessary for the city to exercise that right, and the EPA has stated that its approval is not required for nonintrusive sampling by the City. Nonetheless, in the spirit of cooperation, we are willing to agree to protocols.

Our comments on the protocols suggested in your December 11 letter follow:

1. We understand that intrusive sampling means that drilling or excavation is required in addition to what has been authorized or required by EPA.
2. In the first sentence of paragraph 2, "any sample collected by" should be replaced with "any material or fluid obtained or unearthed by." The second sentence should be deleted because it is inconsistent with paragraph 3, which more correctly states the understanding of the parties on the same subject. The last sentence is not something the City and NSP can decide.

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3. We agree that the Monday conference calls are the appropriate forum for giving the notices required, but that is inconsistent with one week written notice. The words "and labs" should be deleted from the sixth line of paragraph 3.
4. The last sentence of paragraph 4 should be modified by deleting the word "single" and adding to the end of the sentence, "that are as similar as reasonably possible."
7. We have never received a response to our questions about whether the City has the ability to post items to your Sharepoint site.

Very truly yours,



Richard C. Yde

RCY:kps

cc: Craig Melodia  
Scott Hanson  
Kristen Carney